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**From:** Souki, Jesse K.  
**To:** 'Renee.Marler@dot.gov'  
**CC:** Woo, Donna M; NancyEllen.Zusman@dot.gov  
**Sent:** 4/20/2010 10:09:51 AM  
**Subject:** RE: Honolulu Transit Project FEIS

Renee,

Regarding your first question, Corporation Counsel and Nossaman did review the draft FEIS and helped to develop the document that was submitted to FTA recently. However, Nossaman did not review the draft FEIS since providing their comments and guidance during preparation of the document. I did, as you know, consult frequently with Ed Kussy, Esq. of Nossaman regarding Section 4(f) in coordination with Chris Van Wyk. The planning team has a table, which tracks the recommendations by Nossaman, Corporation Counsel, FTA, FAA, and others that lead to the version before the FTA. Would that be helpful to you?

Regarding certification as to "legal sufficiency," I do not know exactly what that means. I know that it is required of FTA under FHWA/FTA regulations, but that does not offer much guidance. State side, SEPA review tells the client that the document has met the content requirements under SEPA regulations, but we do not opine on defensibility of the document in a court of law. Do you have a sample legal sufficiency letter we could look at as a guide?

Regarding your second question, we will review the list to see if we focus it better.

Thanks.

Sincerely,  
Jesse K. Souki  
Deputy Corporation Counsel  
City and County of Honolulu  
Tel.: (808) 768-5135

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> -----Original Message-----

> From: Renee.Marler@dot.gov [mailto:Renee.Marler@dot.gov]  
> Sent: Tuesday, April 20, 2010 9:54 AM  
> To: Souki, Jesse K.  
> Cc: Woo, Donna M; NancyEllen.Zusman@dot.gov  
> Subject: Honolulu Transit Project FEIS

>

> Jesse,

>

> Two things FTA needs from Corporation Counsel in order to expedite the  
> legal review of the FEIS:

>

> 1) a certification that Corporation Counsel has completed review of the  
> draft FEIS transmitted to FTA and that it is legally sufficient under  
> NEPA and Hawaii state law. This review should include responses to  
> comments, and be updated once FAA comments are incorporated to the draft  
> FEIS. I would particularly like see a statement that your outside NEPA  
> counsel, Nossaman, has completed review of the document.

>

> 2) a resubmission to FTA of a document containing the most contentious  
> comments to the DEIS and the City's proposed responses. I believe Faith  
> provided this previously but it was too-inclusive (and I am having  
> difficulty locating it). Perhaps we should cull this list down to  
> around 20 of the most critical comments for heightened review.

>

> Please call me at your earliest convenience to discuss. #415-744-2736.

>

> Renee  
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